

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Identities PCT	FOR FURTHER ACTION	
See Form PCT/IPEA/416		
International application No. PCT/GB2004/004701	International filing date (day/month/year) 08.11.2004	Priority date (day/month/year) 06.11.2003
International Patent Classification (IPC) or national classification and IPC H04Q7/32, G06F9/46, H04L29/06		
Applicant INTUWAVE LIMITED et al.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																	
<p>4. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the opinion</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/> Box No. I	Basis of the opinion	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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Date of submission of the demand 06.09.2005	Date of completion of this report 25.01.2006
Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Ruiz Sanchez, J Telephone No. +31 70 340-4717

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-62 as originally filed

Claims, Numbers

1-38 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,5,7-19,21-30,34-36
	No: Claims	1,3,4,6,20,31-33,37,38
Inventive step (IS)	Yes: Claims	
	No: Claims	1-38
Industrial applicability (IA)	Yes: Claims	1-38
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

1. The following documents are referred to in this communication:
D1: US 2003/041154 A1 (TRAN TRUNG M) 27 February 2003
D2: JSR 118 EXPERT GROUP: "Mobile Information Device Profile for Java <TM> 2 Micro Edition, version 2" JCP SPECIFICATION. JAVA 2 PLATFORM, MICRO EDITION, MOTOROLA INC. AND SUN MICROSYSTEMS INC., 5 November 2002
D3: WO 99/44137 A (SUN MICROSYSTEMS INC) 2 September 1999
2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document) A method of controlling access to a specific resource on a mobile telephone (paragraphs [0002] and [0021], last sentence); comprising the steps of:

associating an identity with a permission state (paragraph [0045]: each data source provides read/write/execution permissions to particular user group names), in which an identity is a label applicable to one of several entities (paragraphs [0043] and [0044]: a group name is applied to one or more users) on whose behalf the resource could potentially be used and the permission state defines whether or not the resource can actually be used (paragraph [0041], third sentence and paragraph [0045], first sentence: ACL determines if a data source is accessible by a group); and

allowing use of the resource solely to an entity or entities labelled with an identity associated with a permission state that does permit such use (paragraph [0045]: if the user belongs to a group in the ACL controlling the resource, access is granted according to specific permissions. Note that if the user belongs to the group, the user is labelled in the directory as having the group name, as indicated in [0043] and figure 5).

Therefore, the subject-matter of claim 1 is not new (Article 33(2) PCT).

3. Moreover, the subject-matter of claim 1 does not involve an inventive step over the disclosure of document D2 (Article 33(3) PCT). Document D2 discloses a method of controlling access to a specific resource on a mobile telephone (see D2, page 501, first and second paragraphs) from which the subject-matter of claim 1 differs in the steps of:

associating an identity with a permission state, *in which an identity is a label applicable to one of several entities on whose behalf the resource could potentially be used* and the permission state defines whether or not the resource can actually be used; and

allowing use of the resource solely to an entity or entities labelled with an identity associated with a permission state that does permit such use.

The problem to be solved by the present application may be therefore regarded as how to improve the mechanism of controlling access to resources to cope with a multi-entity environment.

In the method disclosed in D2, a Java environment defines permission states to control access to the resources in the mobile telephone according to the source of the code that requests the access. As indicated in D3 (page 5, line 30 - page 6, line 4), such a method is not secure in situations where the code can be run on behalf of different entities.

Document D3 discloses a method of controlling access to specific resources in a Java environment where identities ("executor identifier" in page 16, lines 3-11) are associated with permission states (page 16, lines 14-21) and where use of the resource is allowed solely to an entity or entities labelled with an identity associated with a permission state that does permit such use (page 17, lines 10-24 and page 6, lines 14-20).

Therefore, it would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a method according to document D2, thereby arriving at a method of controlling access to specific resources on a mobile telephone according to claim 1.

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(SEPARATE SHEET)**

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4. Since the subject-matter of independent claim 38 corresponds to the subject matter of claim 1, the same reasoning as given for claim 1 will apply mutatis mutandis.

Therefore claim 38 also does not meet the requirements of the PCT in respect of novelty and inventive step (Article 33(2) and (3) PCT).

5. Dependent claims 2-37 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT) because they are either disclosed or rendered obvious by the documents cited in the search report.